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**NEW MEXICO
ENVIRONMENT DEPARTMENT**

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James C. Kenney
Cabinet Secretary

Jennifer J. Pruett
Deputy Secretary

Original via FedEx-Copy via Electronic Mail

June 15, 2020

Mr. Charles Maguire, Director
Water Quality Protection Division (6WD)
U. S. Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75202

Re: State Certification City of Belen Wastewater Treatment Plant NM0020150

Dear Mr. Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0020150, City of Belen Wastewater Treatment Plant. If any, comments and conditions are enclosed on separate sheets.

The U.S. Environmental Protection Agency (USEPA) proposes to regulate discharges under the above-referenced NPDES Individual Permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) section 401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, sections 74-6-1 through 74-6-17, New Mexico Statutes Annotated (NMSA) 1978) and complies with State of New Mexico Water Quality Standards [*Standards for Interstate & Intrastate Surface Waters, 20.6.4 New Mexico Administrative Code (NMAC)*], the Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and the Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 NMAC), USEPA jointly with the New Mexico Environment Department (NMED) issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> on May 2, 2020. The NMED public comment period ended on June 1, 2020. NMED did not receive any comments.

Sincerely,

Shelly Lemon Digitally signed by Shelly Lemon
Date: 2020.06.14 20:31:11 -06'00'

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

cc: (w/ enclosures)

Ms. Evelyn Rosborough, USEPA (6WDPN) via e-mail
Mr. Brent Larsen, USEPA (6WDPE) via e-mail
Jim Afghani, USEPA (6WDPE) via e-mail
Jerah Cordova, Mayor, Belen, via

Mr. Ken McQueen, Regional Administrator
Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, TX 75202

June 15, 2020

STATE CERTIFICATION

RE: City of Belen Wastewater Treatment Plant NM0020150

Dear Mr. McQueen:

The New Mexico Environment Department has examined the proposed NPDES permit above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable State water quality standards and water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ () certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ () denies certification for the reasons stated in the attachment
- ☐ () waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

Shelly Lemon  Digitally signed by Shelly Lemon
Date: 2020.06.14 20:31:47 -06'00'

Shelly Lemon, Bureau Chief
Surface Water Quality Bureau

City of Belen Wastewater Treatment Plant
State of New Mexico Comments on the Proposed NPDES Permit
NM0020150
June 15, 2020

The following conditions are necessary to ensure that discharges allowed under the National Pollutant Discharge Elimination System (NPDES) permit protect State of New Mexico (State) water quality standards (WQS) adopted in accordance with Section 303 of the Clean Water Act (CWA) and the New Mexico Water Quality Act [NMSA 1978, §§ 74-6-1 to -17]. State WQS are published in Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC), *Standards for Interstate and Intrastate Surface Waters*, as amended by the State Water Quality Control Commission (WQCC) and approved by the U.S. Environmental Protection Agency (USEPA) as of September 12, 2018.

Conditions of Certification:

1. none

Comments that are not Conditions of Certification:

1. EPA should clarify the E. coli loading value in the draft permit so that it displays as follows: 5.73×10^9 (*3) instead of 5.73×10^9 (*3), as well as in the footnote. Currently the footnote states that the conversion formula is: concentration (cfu/100 mls) x flow (in MGD) x 3.79×10^7 (conversion factor). The conversion factor should be displayed as 3.79×10^7 .